

## U.S. Judge Refuses to Reinstate Agee's Lawsuit Against the CIA

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A federal district court has rejected CIA renegade Philip Agee's efforts to reopen litigation against the agency over documents that the court acknowledged raise "serious questions as to the legality" of undercover operations against Agee.

U.S. District Judge Gerhard A. Gesell held that despite those questions, he saw no justification for insisting that the documents be made public. He said he was satisfied that disclosure of the records "could reveal agency sources or methods and would seriously damage national security."

Observed Mark Lynch, one of Agee's lawyers, "apparently the judge has found evidence of classified illegality."

Agee sued the CIA and other government agencies in 1979 under the Freedom of Information Act, primarily, he has said, to find out details

about what he called "a massive violation of my civil and constitutional rights."

Gesell dismissed the CIA as a defendant in July after a random *in camera* inspection of the agency's records on Agee. But Agee's lawyers were subsequently provided with censored Justice Department records indicating that top Carter administration officials once considered prosecuting CIA personnel on charges of violating Agee's rights.

Agee, who has made a career of exposing CIA personnel around the world, asked the judge in September to give him all the Justice Department documents in question—25 of them, as it turned out—and to reinstate his case against the CIA.

The judge refused. In a six-page ruling he said that the records show what prompted the CIA to launch a continuing counterintelligence effort "to anticipate and thwart Agee's apparent threats to national security."